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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 March 1998]

GE.98-11109 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its affiliate, the Belarus League for Human Rights, are extremely concerned about the violations of human rights in Belarus. Although Belarus is a party to the main international human rights instruments (including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), human rights are constantly violated. In the past two years, the situation has been worsening, human rights activists, journalists and opposition leaders being the main targets of the repression and harassment exerted by the Belarusian authorities.

Violations of freedom of speech and information

2. On 24 November 1997, the Highest Economic Court of Belarus put an end to the activities of the main opposition newspaper, Liberty. The whole procedure (public hearings and adoption of the decision) only lasted 15 minutes. This newspaper was accused of publishing articles calling for the use of force to change the political regime; actually, such articles never appeared in this newspaper. No criminal investigation was launched against the authors and the newspaper, as would have been the case if they had really incited to overthrow the regime by force. This episode demonstrates the direct repression exerted by the present political leaders of Belarus against those who disseminate information.

Violations of freedom of association

3. In the beginning of 1995, the Law on Public Associations in Belarus was enacted, which imposed re-registration on all NGOs. As a result, 400 of the 700 previously registered associations were put aside. The Belarus League for Human Rights applied several times for re-registration, without success, between 1995 and 1997. The Ministry of Justice requested this NGO to suppress three provisions from its statute, including the one pertaining to the right to distribute information about human rights violations.

4. Following the League's refusal to cancel the provisions concerned, the Ministry of Justice closed this NGO down; this decision was contrary to the Law on Public Associations in Belarus, according to which only the Supreme Court has the competence to close down a public association, after public hearings. The Ministry enjoined the bank to freeze the association's bank account, in contradiction with the financial legislation, which does not confer on him such a power.

5. The Ministry of Justice registered a "new" NGO whose members took over the office of the real League by force on 25 September 1997. The Chairman of the League, Mr. Evgeny Novikov, was interrogated and the police tried to make him sign an interrogation protocol which would allow him to be charged as a criminal. When he refused, he was physically assaulted and charged with insulting the Belarusian State by distributing information about the human rights situation in Belarus. This event took place after the participation of the League in the work of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations, in the delegation of the FIDH. During that session, it denounced the violations of human rights in Belarus and increased its international contacts. The attacks against the League appear clearly to be reprisals.

6. The League's premises have been occupied by the members of the "new" league for three months. They made copies of the League's files and international contacts and stole its money. The Belarusian authorities did not react to the robbery of the League's premises, in spite of the multiple claims made by the League's members. In November 1997, Mr. Novikov was accused of using the money of the League to pursue personal interests. He was interrogated and ill-treated, and then he was declared innocent by the Ministry of Domestic Affairs, in December. Following the mobilization of the international community, the District Court of Minsk decided, on 17 December 1997, to give back the office to the original League, but on 29 January 1998, the City Court reversed this decision on appeal and sent the case back to the District Court. The proceedings before the latter were interrupted because a new investigation was launched against Mr. Novikov who was taken into custody and questioned for some hours on 25 February. He was beaten and insulted by the investigator, in the presence of the Chairman and other members of the "new" league. Their presence highlights the fact that these people enjoy very strong support from the State bodies. A result of the new procedure in February was also a statement by the chief of the district police station and the district prosecutor's office that Mr. Novikov never violated the Belarusian penal legislation. Today, the personal security of the League's members is still under threat, and the pro-governmental "new" league is still occupying their office.

7. Other NGOs are also facing harassment from the authorities. The Ministry of Justice refused twice to register the Belarusian Society of Former Political Prisoners of Stalin Gulag. Fictional reasons were invoked to justify this refusal, the first one being that the address of one of the founders was incorrect, the second one being, as confessed by an official in charge of NGO registrations, Evgeny Novikov's membership in this organization. The activities of the Belarusian Foundation for the Children of Chernobyl is prevented from working by massive financial checking by Belarusian authorities. The Belarusian National Research Centre East/West has been facing the same harassment, so it had to stop its activities these last months.

Political repression against independent lawyers

8. "Decree No. 12 on several measures on improving the practice of lawyers and notaries in the Republic of Belarus" adopted by President Lukashenko on 3 May 1997 seriously compromises the independence of lawyers. This decree states that only the Ministry of Justice can grant licences to lawyers and that lawyers have the right to defend citizens before the court only if they are members of the Bar Association (State Collegia), which is controlled by the Ministry. Any independent lawyer can be excluded from the justice system. These bear consequences on the right to a defence since the defendants are not able to have the lawyers of their choice. Moreover, this decree contradicts the Law on Lawyers' Activities.

9. The Belarusian authorities' prohibitions on the practice of the profession of lawyer are politically motivated. Mrs. Nadezda Dudareva and many other independent lawyers are victims of this political repression. After having worked as a lawyer for 24 years, Mrs. Dudareva obtained a private practice licence. She defended members of the opposition and peaceful

demonstrators. In July 1997, the Ministry of Justice forbid her to continue her activities as a lawyer in criminals trials, as she had refused to register with the Bar Association.

Repression against young political activists

10. Alexey Shidlovskiy (18 years old) and Vadim Lobkovich (16 years old) have been in pre-trial detention for three months; they are members of the youth faction of the Belarusian Popular Front. They were arrested as they were writing slogans on a fence against President Lukashenko and his policy. They have been in pre-trial detention since August and they were refused probation. During their trial, as early as the second day, journalists were not allowed inside the court.

Trade unions

11. Independent trade unions are facing strong resistance from the State, even though the Ministry of Justice finally agreed to register the Democratic Congress of Trade Unions of Belarus, at the beginning of 1998. However, the Federation of Trade Unions (a pro-Government union) proposed changes in the Law on Activities of the Trade Unions that could be very damaging to the independent trade unions. Indeed, it proposed that the ability of a trade union to sign an agreeement with an entreprise is conditioned upon 30 per cent of the employees being members of the organization. If such a proposal were to be accepted by the Lower Chamber of the Belarusian Parliament (pro-presidential body), this would entail a great loss of membership for the independent unions.

12. After examining the fourteenth periodical report of Belarus in 1997, the Human Rights Committee addressed important recommendations to the Government. In particular, the Committee called on the Government to limit death penalty sentences to the most serious crimes as stated in article 6 (3) of the International Covenant on Civil and Political Rights and to abolish the death penalty as soon as possible. In addition, the Committee called upon Belarus to modify laws and rules on pre-trial detention in order to make them meet the requirements of article 9 (3) of the Covenant. It also condemned the propiska system (residence licence) which limits the freedom of movement. The Committee also recommended to improve the detention conditions especially for people sentenced to the death penalty. The use of pressovtchiki and of punishment cells should be banned. All these recommendations remain to be implemented.

13. In conclusion, the FIDH and the BLHR are concerned that the Belarusian authorities are determined to try to eliminate all forms of opposition and that harassment against human rights defenders has intensified in the past months. They urge the Commission on Human Rights to examine the situation and to call upon the Government of Belarus to comply with its obligations under the international human rights instruments and to implement the recommendations of the Special Rapporteur on freedom of opinion and expression.